

1-1 By: Lucio S.B. No. 1038  
1-2 (In the Senate - Filed March 1, 2007; March 14, 2007, read  
1-3 first time and referred to Committee on Business and Commerce;  
1-4 May 11, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; May 11, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1038 By: Lucio

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of certain lease agreements in  
1-11 manufactured home communities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 94.051, Property Code, is amended to  
1-14 read as follows:

1-15 Sec. 94.051. INFORMATION TO BE PROVIDED TO PROSPECTIVE  
1-16 TENANT. At the time the landlord receives an application from a  
1-17 prospective tenant, the landlord shall give the tenant a copy of:

1-18 (1) the proposed lease agreement for the manufactured  
1-19 home community;

1-20 (2) any manufactured home community rules; and

1-21 (3) a separate disclosure statement with the following  
1-22 prominently printed in at least 10-point type:

1-23 "You have the legal right to an initial lease term of six  
1-24 months. If you prefer a different lease period, you and your  
1-25 landlord may negotiate a shorter or longer lease period. After the  
1-26 initial lease period expires, you and your landlord may negotiate a  
1-27 new lease term by mutual agreement. Regardless of the term of the  
1-28 lease, ~~[if the recreational vehicle is tied to, affixed, or~~  
1-29 ~~otherwise a permanent part of the premises,]~~ the landlord must give  
1-30 you at least 60 days' notice of the nonrenewal of the lease.  
1-31 However, if the manufactured home community's land use will change,  
1-32 the landlord must give you at least 180 days' notice before the  
1-33 landlord can nonrenew the lease [if the landlord will not renew your  
1-34 lease and will require that you relocate your manufactured home or  
1-35 recreational vehicle]. You [During the 60 day period, you] must  
1-36 continue to pay all rent and other amounts due under the lease  
1-37 agreement, including late charges, if any, after receiving notice  
1-38 of the nonrenewal."

1-39 SECTION 2. The heading to Section 94.204, Property Code, is  
1-40 amended to read as follows:

1-41 Sec. 94.204. NONRENEWAL OF LEASE ~~[TERMINATION]~~ FOR CHANGE  
1-42 IN LAND USE.

1-43 SECTION 3. Subsection (a), Section 94.204, Property Code,  
1-44 is amended to read as follows:

1-45 (a) A landlord may choose not to renew ~~[terminate]~~ a lease  
1-46 agreement to change the manufactured home community's land use only  
1-47 if not later than the 180th day before the date the land use will  
1-48 change:

1-49 (1) ~~[not later than the 120th day before the date the~~  
1-50 ~~land use changes,]~~ the landlord sends notice to the tenant, to the  
1-51 owner of the manufactured home if the owner is not the tenant, and  
1-52 to the holder of any lien on the manufactured home:

1-53 (A) specifying the date that the land use will  
1-54 change; and

1-55 (B) informing the tenant, owner, and lienholder,  
1-56 if any, that the owner must relocate the manufactured home; and

1-57 (2) ~~[not later than the 120th day before the date the~~  
1-58 ~~land use changes,]~~ the landlord posts in a conspicuous place in the  
1-59 manufactured home community a notice stating that the land use will  
1-60 change and specifying the date that the land use will change.

1-61 SECTION 4. The changes in law made by this Act apply only to  
1-62 a lease agreement or a renewal to a lease agreement entered into  
1-63 after the effective date of this Act. A lease agreement or a

2-1 renewal to a lease agreement entered into on or before the effective  
2-2 date of this Act is covered by the law in effect at the time the  
2-3 lease agreement or the renewal to the lease agreement was entered  
2-4 into, and the former law is continued in effect for that purpose.  
2-5 SECTION 5. This Act takes effect September 1, 2007.

2-6

\* \* \* \* \*